HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.18401 of 1998

Dated 28th day of February, 2007

Between:

C. Subba Rao ..
Petitioner

And

The Revenue Divisional Officer,
Rajampet, Cuddapah District
and another ..
Respondents

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O R D E R:

This writ petition is filed seeking a direction to the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the land of an extent of Ac.2.34 cents in S.No.977/3 situated in Madakalavaripalli village.

The brief facts of the case are that the petitioner was assigned an extent of Ac.2.34 cents of land in S.No.977/3 situated in Madakalavaripalli village and the 2nd respondent granted D.K.T. patta in his favour in the year 1975 and since then the petitioner has been in possession and enjoyment of it and he put the land under cultivation in 1977. Now, the petitioner's grievance is that after a lapse of 20 years the 2nd respondent issued Show Cause Notice dated 26.12.1995 calling for his explanation as to why the D.K.T. patta cannot be cancelled on the ground the he did not bring the land under cultivation within a period of three years as stipulated in condition No.2 of the patta. Not being satisfied with the explanation offered by the petitioner, the 2nd respondent, without issuing any notice or initiating any proceedings, is threatening him not to cultivate the land in question.

Heard the learned counsel for both the parties.

This Court, on 7.12.2000, was pleased to grant interim direction to the respondents not to interfere with the possession and enjoyment of the petitioner over the land in question, but in the counter filed by the respondents, it is stated that the 2nd respondent, vide his proceedings dated 17.9.1997, cancelled the assignment of land and issued resumption orders. Having regard to the fact that the assignment made in favour of the petitioner was cancelled on 17.9.1997 and there is an

alternative remedy of appeal, as provided under the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977, the petitioner can exhaust the remedy of preferring an appeal.

Hence, the writ petition is disposed of with a liberty to the petitioner to file an appeal before the competent authority. As the petitioner's grievance is that he is not aware of the proceedings dated 17.9.1997 and no order has been communicated to him yet, the authority i.e. the 2nd respondent, who cancelled the assignment on 17.9.1997, is hereby directed to furnish a copy of the order to the petitioner within a period of four weeks from today enabling him to prefer an appeal within four weeks thereafter. Pending disposal of this matter, *status quo* as on today shall be maintained. No costs.

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28.02.2007

bcj